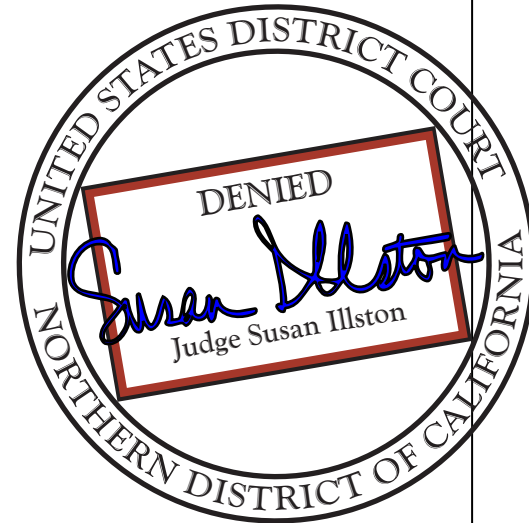


1 Scott R. Mosko (State Bar No. 106070)  
scott.mosko@finnegan.com  
2 Scott A. Herbst (State Bar No. 226739)  
scott.herbst@finnegan.com  
3 FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
4 Stanford Research Park  
3300 Hillview Avenue  
5 Palo Alto, California 94304  
Telephone: (650) 849-6600  
6 Facsimile: (650) 849-6666  
7 Attorneys for Plaintiffs  
KEVIN KEITHLEY and TREN  
8 TECHNOLOGIES HOLDINGS, LLC



10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

Denied as Moot

13 KEVIN KEITHLEY and TREN  
14 TECHNOLOGIES HOLDINGS, LLC,

15 Plaintiffs,

16 v.

17 THE HOMESTORE.COM, INC., et al.,

18 Defendants.

CASE No. C03-04447 SI (EDL)

**PLAINTIFFS' MOTION FOR  
ADMINISTRATIVE RELIEF PURSUANT  
TO CIVIL L.R. 7-11; DECLARATION OF  
SCOTT R. MOSKO; AND [PROPOSED]  
ORDER**

1 In light of comments from the bench during the November 14, 2008 hearing on Defendants'  
2 pending "Motion for Summary Judgment as to Non-Infringement and Invalidity Based on  
3 Indefiniteness" (Dkt. No. 732), Plaintiffs seek a stay until the Court rules at least on this motion.

4 Plaintiffs respectfully make this request because this Court's decision on the above-referenced  
5 motion (and perhaps others filed currently with said motion) will likely have a significant impact on  
6 the content of the parties' pretrial submissions, currently due on December 2, 2008. Currently, the  
7 parties will be exchanging witness lists, evidence lists, exhibit lists, and jury verdict forms on  
8 November 19, 2008. On November 24, 2008, the parties will be serving objections to (1) the  
9 already-exchanged jury instructions, (2) exhibits proposed by the opposing side, and (3) discovery  
10 that the opposing side has indicated it will use at trial. Significant time and effort will be expended  
11 by both sides that could be avoided (or may have to be re-done) depending upon this Court's decision  
12 on the pending Summary Judgment Motions. The above-referenced exchanges will be used by both  
13 sides in their Pre-Trial Conference Statements. The contents of the parties' Pre-Trial Conference  
14 Statements will likely be affected based on this Court's ruling on the pending Summary Judgment  
15 Motion addressed during the hearing. Hence, the proposed stay would allow the parties to conform  
16 their statements consistent with this Court's yet-to-be issued rulings.

17 By filing this motion, Plaintiffs do not seek to hurry the Court in its decision-making process.  
18 Instead, Plaintiffs are simply proposing a temporary stand-still arrangement pending an order on the  
19 motions. Once this Court issues this order, the Pre-Trial Conference documents can be prepared  
20 consistent with it, which will further facilitate the Pre-Trial Conference, now scheduled for  
21 December 16, 2008.

22 The parties disagree on whether this temporary stay should issue. While Defendants may be  
23 willing to adjust one or more of the internal deadlines the parties have set, Defendants do not want  
24 any adjustment of the dates this Court has already set. Plaintiffs on the other hand believe that a

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1 logically-ordered process, one allowing the parties to prepare their Pre-Trial Conference submissions  
2 consistent with this Court's yet-to-be issued rulings on the pending motions, makes more sense, and  
3 consequently move for a temporary stay until this Order issues.

4 Respectfully submitted,

5 Dated: November 18, 2008

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

7  
8 By:                     /s/                      
Scott R. Mosko  
Attorneys for Plaintiffs  
Kevin Keithley and TREN  
Technologies Holdings, LLC

11  
12 **DECLARATION OF SCOTT R. MOSKO**

13 I, Scott R. Mosko, declare as follows:

14 1. I am an attorney licensed to practice before this Court and all courts of the State of  
15 California, and am a partner with Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel  
16 for Plaintiffs in the above-entitled action. I submit this declaration in support of Plaintiffs Kevin  
17 Keithley and Tren Technologies Holdings, Inc.'s Administrative Motion for Administrative Relief.  
18 The matters stated herein are based upon my personal knowledge, and if called as a witness, would  
19 testify as to the following statements.

20 2. The dates for exchange of information consistent with this Court's Pre-Trial  
21 Conference submissions as set forth in the body of this motion are accurately stated. Currently, the  
22 Court has ordered the parties to file their Pre-Trial Conference Statements on December 2, 2008.  
23 The Pre-Trial Conference is scheduled for December 16, 2008. The trial date is January 12, 2009.

24 3. On November 17, 2008, I spoke with Luther Orton, counsel for Defendants and  
25 proposed a temporary stay. Mr. Orton advised that Defendants would not agree to any stay of the  
26 proceedings, although Defendants might consider altering one or more of the earlier internal agreed-  
27 upon dates the parties had set so that the Pre-Trial Conference Statements could be timely filed.

28 ///

4. On November 18, 2008, Mr. Luther again advised that Defendants did not agree to any stay or stand-still agreement pending this Court's decision on the Summary Judgment Motions.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration was executed this November 18, 2008, at Palo Alto, California.

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/s/

Scott R. Mosko

**[PROPOSED] ORDER**

Upon good cause shown, IT IS HEREBY ORDERED that the Parties not exchange documents in preparation for the Pre-Trial Conference Statement until seven days after this Court issues its Order on the pending Motions for Summary Judgment. If a further adjustment to the current schedule is necessary, the parties are ordered to meet and confer, and provide a proposed order to the Court for consideration.

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE